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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,340	02/14/2002	Deanna Lynn Quigg Brown	AUS920010897US1	1998

46073 7590 02/28/2007
IBM CORPORATION (VE)
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EXAMINER

WONG, BLANCHE

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/076,340

Applicant(s)

QUIGG BROWN ET AL.

Examiner

Blanche Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,11,12,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-10,13-15,18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 7, 2006 have been fully considered but they are not persuasive.

Applicant contends that this invention is particular to iSCSI. Remark, p.6, para. 3-5 and p.7, para. 1. However, such limitation concerning iSCSI is not found in the claim. Therefore, no weight is given to iSCSI.

Applicant argues that Seidel does not teach, show or so much as suggests the step of "determining whether the number of packets exceeds a threshold number; and transmitting the packets in parallel, if the number of packets exceeds the threshold number, each packet having an indicium for properly reconstructing the data by the target system." Remark, p.8, para. 2. Examiner explains that in order to transmit parallelly using either 8 or 18 channels, there is a determining step. Each channel has an effective transmission rate of 56 kb/s (Seidel, col. 2, line 57). The 56 kb/s is equivalent to a certain number of packets. The certain number of packets per channel is the threshold number. That is, if transmitting more than the certain number of packets for one channel, more channel(s) are used for transmission. For example, "[t]he customer will then need 18 channels (1Mb [divide] 56 kb/s) to transmit 1 Mb of information in one second" (Seidel, col. 2, lines 58-60). Therefore, Examiner believes that Seidel fully discloses "determining whether the number of packets exceeds a threshold number; and transmitting the packets in parallel, if the number of packets exceeds the threshold number."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,2,6,7,11,12,16,17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidel (4,383,316).

With regard to claim 1, Seidel discloses a method of transmitting data from a source system to a target system ("**...the transmission of a high-speed serial data stream between an originating end and a terminating end...to a predetermined plurality of lower-speed channels**", col. 1, lines 42-47) over a network, comprising the steps of:

determining ("**The customer will then need 18 channels (1Mb [divide] 56 kb/s) to transmit 1 Mb of information in one second**", col. 2, lines 58-60) (If transmitting more than the certain number of packets for one channel, determine how many channel(s) are necessary for transmission.) whether the number of packets (certain number of packets) exceeds a threshold number (56 kb/s) (Each channel has an effective transmission rate of 56 kb/s, col. 2, line 57) (It would have been obvious that the 56 kb/s is equivalent to a certain number of packets. The certain number of packets per channel is the threshold number.); and

transmitting the packets (data message block, col. 2, lines 20-21; see also Fig. 1) in parallel (e.g. 18 channels, col. 2, line 59), if the number of packets exceeds

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in the threshold number (**1M > 64**), each packet having an indicium (**header block, col. 2, line 20; see also Fig. 2**) for properly reconstructing the data by the target system (see also “... in response to these identification signals ... to restore the original high-speed serial data”, col. 1, lines 54-61).

However, Seidel fails to explicitly show the number of packets.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the number of packets in Seidel. The suggestion/motivation for doing so would have been to provide for packet transmission. Therefore, it would have been obvious to combine number of packet with Seidel for the benefit of packet transmission, to obtain the invention as specified in claim 1.

With regard to claim 2, Seidel further discloses a plurality of network connections that are established to transfer the packets in parallel (**e.g. 18 channels, col. 2, line 59**).

With regard to claims 6,11,16, see analysis for claim 1.

With regard to claims 7,12,17, see analysis for claim 2.

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Allowable Subject Matter

4. Claims 3-5,8-10,13-15,18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

BW

February 7, 2007



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